

REMARKS

Applicants thank Examiner Ware and Examiner Naff for the courtesy extended to Applicants' agent, Angela Dallas, during the personal interview on February 5, 2002, and during subsequent telephone discussions related to the follow-up of the interview and priority claim. Applicants agent notes that the Examiners are expecting this amendment, which was not entered prior to allowance because the allowance papers had already been mailed when the amendments presented above were first discussed by the Examiners and Dr. Dallas.

Applicants have amended the cross-reference to related applications to correct the priority claim for the application. The amendments are made to the amended paragraphs as they appeared after entry of the Examiner's Amendment accompanying the Notice of Allowance for this application. Specifically, Applicants have amended the specification to recite that the present application is a continuation-in-part, rather than a continuation, of U.S. Patent Application Serial No. 08/968,628, and to affirm that the present application is a continuation-in-part of U.S. Patent Application Serial No. 08/918,325. This is the proper claim of priority, since the present application contains the full specification for both applications, due to incorporation by reference of the 08/918,325 application. This amendment does not add any new matter to the specification, but merely corrects the priority claim. In addition, Applicants have removed reference to issue dates for patents, according to the Examiner's expressed preference on this issue. Finally, the priority claim has been amended to clarify which applications are divisional applications, rather than continuation applications. An inventor's Declaration meeting the requirements of 37 CFR 1.63 and referencing the documents from which priority is claimed is already of record in the application.

Applicants respectfully request that the Examiner enter this Amendment into the above-identified application. In the event that the Examiner has any questions regarding this paper, please consider this an invitation to contact the below-named agent at (303) 863-9700.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:

Angela Dallas

Angela K. Dallas

Registration No. 42,460

1560 Broadway, Suite 1200

Denver, CO 80202-5141

(303) 863-9700

Date:

March 14, 2002

Marked-up Version Showing Amendments

In the Specification:

On page 1 of the specification, all of the paragraphs under the section entitled "Cross-Reference to Related Applications" have been amended as follows:

-- This application is continuation-in-part of U.S. Patent Application Serial No. 08/968,628, filed November 12, 1997, now abandoned, which is a continuation of U.S. Patent Application Serial No. 08/461,137, filed June 5, 1995, which issued as U.S. Patent No. 5,688,500, which is a continuation of U.S. Patent Application Serial No. 08/292,490, filed August 18, 1994, which issued as U.S. Patent No. 5,518,918, which is a [continuation] divisional of U.S. Patent Application Serial No. 07/962,522, filed October 16, 1992, which issued as U.S. Patent No. 5,340,742, which is a continuation-in-part of U.S. Patent Application Serial No. 07/911,760, filed July 10, 1992, which issued as U.S. Patent No. 5,340,594, which is a [continuation] divisional of U.S. Patent Application Serial No. 07/580,778, filed September 11, 1990, which issued as U.S. Patent No. 5,130,242, which is a continuation-in-part of U.S. Patent Application Serial No. 07/439,093, filed November 17, 1989, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/241,410, filed September 7, 1988, now abandoned.

This application is also [related to] a continuation-in-part of U.S. Patent Application Serial No. 08/918,325, filed August 26, 1997, now U.S. Patent No. 5,985,348, which is a divisional of U.S. Patent Application Serial No. 08/483,477, filed June 7, 1995, now U.S. Patent No. 5,698,244, [issued December 16, 1997,] which is a continuation-in-part of U.S. Patent Application Serial No. 08/292,736, filed August 18, 1994, now U.S. Patent No. 5,656,319, [issued August 12, 1997,] which is a [continuation] divisional of U.S. Patent application Serial No. 07/911,760, filed July 10, 1992, now U.S. Patent No. 5,340,594, [issued August 23, 1994,] which is a [continuation] divisional of U.S. Patent application Serial No. 07/580,778, filed September 11, 1990, now U.S. Patent No. 5,130,242, [issued July 14, 1992,] which is a continuation-in-part application of U.S. Patent application Serial No. 07/439,093, filed November 17, 1989, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/241,410, filed September 7, 1988, now abandoned.

[This application and U.S. Patent Application Serial No. 08/968,628 are also a continuation-in-part of U.S. Patent Application Serial No. 08/918,325, filed August 26, 1997, which is a continuation of U.S. Patent Application Serial No. 08/483,477, filed June 7, 1995, now U.S. Patent No. 5,698,244, issued December 16, 1997.]

All of the above patents and patent applications are incorporated herein by reference in their entirety.--

Art Unit: 1651

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the title

changed the title to -- FERMENTATION PROCESS FOR PRODUCING LONG

D₁ CHAIN OMEGA-3 FATTY ACIDS WITH EURYHALINE MICROORGANISMS -- .

In the abstract

at line 2, deleted "Disclosed is a" and inserted --A-- and after "process" inserted -- is provided-- ,

at line 14, after "fatty acids." inserted -- Further, a process for producing lipids includes a fermentation by growing euryhaline microorganisms which are capable of

D₂ producing 1.08 grams per liter of the fermentation medium per day of long chain omega-3 fatty acids per 40 grams of sugar per liter of the fermentation medium at a sodium ion concentration of 60% seawater. The lipids are then extracted from the euryhaline microorganisms. --

Authorization for this examiner's amendment was given in a telephone interview with Angela Dallas on February 8, 2002.

2. The application has been amended as follows:

In the Preliminary Amendment, filed December 14, 1999, pages 2-3, amendments to the "Cross-Reference to Related Applications" are as follows:

64

D

Art Unit: 1651

page 2

at line 2, after "filed November 12, 1997," inserted --now abandoned--,

at line 4, after "5,688,500" deleted "on",

at line 5, deleted "November 18, 1997",

at line 7, deleted "on May 21, 1996"

at line 10, deleted "on August 23, 1994",

at line 12, deleted "on August 23, 1994",

at line 15, deleted "on July 14, 1992",

at line 16, deleted "which" and inserted --now--

at line 17, deleted "was previously expressly",

at line 19, deleted "which was previously expressly" and inserted --now-- ;

page 3

at line 1, deleted "and U.S. Patent Application Serial No." and inserted --is

related to--,

at line 2, deleted "08/968,628 are also a continuation-in-part of",

at line 4, deleted "issued December 16, 1997",

at line 17, deleted "and U.S. Patent Application Serial No." and inserted --

is also related to--,

at line 18, deleted "08/968,628 are also a continuation-in-part of".

In the claims

canceled non-elected claims 38-52 and 67-93;


claim 53, line 4, after "per liter" inserted --of the fermentation medium--,

Art Unit: 1651


✓
line 5, after "per liter" inserted --of the fermentation medium--,

✓
line 6, after "concentration" inserted --in the fermentation medium-- .

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Ware whose telephone number is (703) 308-4245.


Deborah K. Ware

February 11, 2002


DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 126
